

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE MIGUEL AVALOS,

No. C 08-0949 WHA (PR)

Petitioner,

**ORDER TO FILE OR LODGE
EXHIBITS**

v.


BEN CURRY, Warden,

Defendant.

This is a habeas case filed by a California prisoner proceeding pro se. On March 12, 2008, respondent was ordered to file and serve upon petitioner both an answer and any portions of the state trial record relevant to the claims in the petition. On January 15, 2009, respondent filed and served an answer, but simply "lodged" the trial record as exhibits. Because the exhibits were lodged instead of filed, they were not kept by the clerk's office with the case file when this case was dismissed in on January 22, 2010. As the case has now been reopened, respondent shall, within **15 days** of the date this order is filed, either lodge the exhibits again or file and serve them upon petitioner.

IT IS SO ORDERED.

Dated: October 19, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE